

HPS-128 (August 2006)

August 31, 2006

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

C.A. No. **05-2826**

TIMOTHY MANUEL

v.

JAMES SHERMAN, Warden, Federal Correctional Institution, McKean  
(W.D. Pa. Civ. No. 05-cv-17E)

Present: SCIRICA, Chief Judge, WEIS and GARTH, Circuit Judges

Submitted are:

- (1) By the Clerk for possible summary affirmance; and
- (2) Petitioner's summary affirmance response

in the above-captioned case.

Respectfully,

Clerk

MMW/BNB/ghb

**ORDER**

The Petitioner appeals from the District Court's denial of a petition, filed pursuant to 28 U.S.C. § 2241, that challenged the Bureau of Prisons' ("BOP") calculation of good conduct time under 18 U.S.C. § 3624(b). The Petitioner's claim is identical to that raised and rejected in O'Donald v. Johns, 402 F.3d 172 (3d Cir. 2005), cert. denied sub nom. Moreland v. Federal Bureau of Prisons, 126 S.Ct. 1906 (2006). In O'Donald, we held that the meaning of § 3624(b) is ambiguous and therefore deferred to the BOP's reasonable interpretation of the statute. Accordingly, for the reasons described in O'Donald, the District Court properly denied the Petitioner's § 2241 petition. Because this appeal presents "no substantial question," 3d Cir. LAR 27.4 and I.O.P. 10.6, we summarily affirm the District Court order entered May 19, 2005.

By the Court,

/s/ Leonard I. Garth  
Circuit Judge

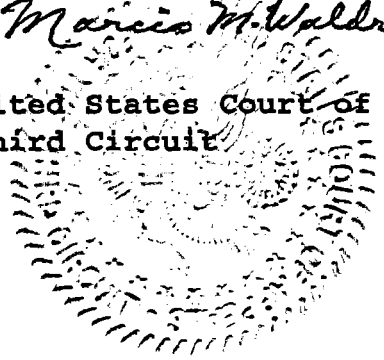
Dated: September 14, 2006

nmb/cc: Michael L. Ivory, Esq.  
Thomas W. Patton, Esq.

Certified as a true copy and issued in lieu  
of a formal mandate on November 6, 2006

Teste: *Marcia M. Waldron*

Clerk, United States Court of Appeals  
for the Third Circuit

The seal of the United States Court of Appeals for the Third Circuit is visible in the background. It is a circular seal with a scalloped outer edge. Inside the circle, the words "THIRD CIRCUIT" are written in a circular path. In the center of the seal is a shield with various symbols, including what appears to be a ship and some text, though the details are somewhat faded.